

REMARKS

Claims 19 and 20 have been added in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. It is believed that this Amendment is fully responsive to the Office Action dated May 8, 2002.

Rejection under 35 USC §102

Claims 1, 3, 5, 7-12 and 14-18 are rejected under 35 USC §102(e) as being anticipated by Mizutani.

In rejecting the claimed invention, the outstanding Office action has specifically stated in relevant part that:

“With respect to claim 1, Mizutani teaches a controller 3 that receives printing data for each page from a host (network 4) transfers the printing data to a printer and controls the printer to print the printing data while monitoring states therefor is characterized in that it comprises: an analyzing unit (3 c) that analyzes the print data and manages the number of pages transferred to the printer and an error processing unit (31) that passes error data and the number of pages of which printing have been completed to the host when an error in which data is not assured occurred in the printer.”

It can be seen that the Office has artfully rejected the claimed invention by duplicating the claimed invention and selectively inserted parenthetical supports alleging where the same feature is disclosed or taught by the prior art. The Office, however, fails to recognize that the printer controllers of the present invention does not include a storage means for storing printed data. This aspect of the present invention is described, for example, from page 2, line 33 to page 3, line 19 of

the specification. In fact, the object of the present invention is to provide a printer controller without providing a storage means for storing printing data. This aspect of the present invention is reflected in independent claim 1 in that the controller receives printing data for each page from a host that transfers the printing data to a printer.

To the contrary, all prior art printer controllers include storage means. Specifically, the applied prior art Mizutani includes an image data storing device (3d). For without this data storing device, Mizutani could not function.

To further clearly define the claimed invention over Mizutani, a further feature that a data transferring unit rests in the controller for the purpose of transferring is added. This data transferring unit is not disclosed or taught in Mizutani. Independent claim 1, as amended, is enclosed hereinbelow for the convenience of the Office:

“ 1. (Amended) A controller that receives printing data for each page from a host, having a data transferring unit that transfers the printing data to a printer and controls the printer to print the printing data while monitoring states thereof is characterized in that it comprises:
an analyzing unit that analyzes the printing data and manages the number of pages transferred to the printer; and
an error processing unit that passes error data and the number of pages of which printing have been completed to the host when an error in which data is not assured occurred in the printer.”

Furthermore, in Mizutani, regarding an error processing unit that passes error data and the number of print pages completed to a host when an error has occurred, the prior art discloses two equivalent error processing units, first being error detecting device 3f and second being error detecting device 3i.

The error detecting device 3f is being disclosed in column 7 lines 28-31 as "a device for detecting an error in the processes from receiving the print data to printing the image data, and outputting the detected error to the error information sending device 3g." The error detecting device 3f is further elaborated in column 8 beginning from line 42 as determining whether any error occurs at the expanding process.

The error detecting device 3i is being disclosed in column 9 lines 7-11 as detecting such errors as paper jam, toner low, etc.

From reviewing the true teaching of this prior art reference, none of the error detecting device actually passes error data and the number of print pages completed to a host when an error has occurred.

It is well settled that:

"A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988)."

Should the Office continue to assert that the claimed invention, as amended, is anticipated by the asserted prior art, a citation of where each and every claimed feature, either as column number and line number, or figure number and reference numeral, or a combination thereof, as disclosed in the asserted prior art is respectfully requested.

Should the Office determine that any claimed feature is not disclosed in the asserted prior art, it is respectfully submitted that the claimed invention is thereby not anticipated by the asserted prior art. Allowance of the claimed invention is then respectfully requested.

It is respectfully submitted that the claimed invention, as amended, patentably distinguishes over the asserted prior art. Claims dependent thereon, by virtue of inherency, also patentably distinguish over the asserted prior art. Reconsideration and withdrawal of this rejection are respectfully requested.

As an effort to assist the Office to determine whether indeed each and every element of the claimed invention is disclosed in the prior art, the following claims with parenthetical blanks are submitted herewith.

1. (Amended) A controller () that receives printing data
() for each page from a host (), having a data transferring
unit () that transfers the printing data to a printer () and
controls the printer to print the printing data () while monitoring states thereof
() is characterized in that it comprises:
an analyzing unit () that analyzes the printing data
() and manages the number of pages transferred to the printer
() ; and
an error processing unit () that passes error data
() and the number of pages () of which printing have been
completed to the host when an error in which data is not assured occurred in the printer
() .

Claim Objections

Claims 2, 4, 6 and 13 are objected to as being dependent upon a rejected base claim. They are however indicated to be allowable once merged with any based and intervening claims.

Accordingly, new claims 19 and 20 are added herein by amendment. Independent claim 19 incorporates the subject matter of claims 1 and 2; whereas independent claim 20 incorporates the subject matter of claims 12 and 13.

Allowance of these newly added claims is respectfully requested.

Conclusion

In view of the aforementioned amendments and accompanying remarks, claim 1, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

Attached hereto is a marked-up version of the changes made to claim 1 by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Version with markings to show changes made

H:\HOME\AWEAVER\MLAU\981488\08-08-02 Amendment

IN THE CLAIMS:

Please amend claim 1 as follows:

1. (Amended) A controller that receives printing data for each page from a host, having a data transferring unit that transfers the printing data to a printer and controls the printer to print the printing data while monitoring states thereof is characterized in that it comprises:

an analyzing unit that analyzes the printing data and manages the number of pages transferred to the printer; and

an error processing unit that passes error data and the number of pages of which printing have been completed to the host when an error in which data is not assured occurred in the printer.